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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,478	07/17/2003	James Gary Pruett	HTL P.8213	2526
23575 7590 09/12/2007 CURATOLO SIDOTI CO., LPA 24500 CENTER RIDGE ROAD, SUITE 280 CLEVELAND, OH 44145				
EXAMINER				
COLE, ELIZABETH M				
ART UNIT		PAPER NUMBER		
1771				
MAIL DATE		DELIVERY MODE		
09/12/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,478

Applicant(s)

PRUETT ET AL.

Examiner

Elizabeth M. Cole

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1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
4a) Of the above claim(s) 1-41 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 42-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/07 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 42-44, 46-49, 51 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gabor et al, U.S. Patent No. 5,547,512. Gabor discloses a substrate which comprises inorganic fibers such as aluminum borosilicate, mullite, carbon fibers, alumina zirconia fibers (col. 8, lines 26-32), in the form of a fabric, (example 36 or a tow). The coating can be an inorganic coating such as carbides and carbon. See col. 8, lines 35-37. The material is wound onto a take-up roll after formation, and thus, would be able to be unrolled. See figures and col. 7, lines 32-39. Gabor does not disclose the particularly claimed variation in the mass of the pyrolytic coating. However, since Gabor does teach forming the coating

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and teaches that the uniformity of the coating can be controlled by performing the coating at low temperature and pressure, it is reasonable to presume that the material of Gabor would necessarily possess the claimed uniformity of coating or else it would have been obvious to have controlled the processing parameters as taught by Gabor at col. 4, lines 1-11, in order to arrive at a material having the desired uniformity.

5. Claims 45, 50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabor et al, U.S. Patent NO. 5,547,512 as applied to claims 42-44, 46-49, 51 above, and further in view of Wilson et al, U.S. Patent No. 6,264,045. Gabor discloses a coated fabric as set forth above. Gabor differs from the claimed invention because while Gabor teaches employing inorganic fibers, it does not specifically teach that the fabrics also comprise inorganic whiskers. Wilson discloses a structure comprising a substrate which comprises inorganic fiber and inorganic fiber whiskers. The inorganic fibers can comprise carbon fibers including those derived from PAN, pitch or rayon precursor, ceramic fibers such as silicon carbide, silicon nitride, aluminosilicates and others. The inorganic fiber whiskers can comprise alumina, carbon, silica, glass, silicon carbide, silicon nitride, titanium nitride and mixtures therefore. See col. 5, lines 28-42. A pyrolytic carbon coating can be formed on the structure. See col. 7, lines 18-22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the particular types of fibers and whiskers disclosed in Wilson in the substrate of Gabor, motivated by the teaching of Wilson that such fibers and whiskers were recognized in the art as suitable for use as a substrate on which carbon coatings are formed.

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6. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1771

e.m.c